

REMARKS/ARGUMENTS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and discussion presented herein.

1. **Allowable subject matter.**

The Applicant notes with appreciation the indication that Claims 51 and 55 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

2. **Objection to Specification.**

The Specification was objected to for not including the U.S. Patent Number for application serial number 09/849,508. The patent number has been inserted into the application.

3. **Rejection of Claims 52, 56, and 59 under 35 U.S.C. § 112.**

Claims 52, 56, and 59 have been objected to for the language "selected from the group consisting essentially of".

The Applicant respectfully submits that this language is permissible. The term "consisting essentially of" is not vague or indefinite, because it has the same meaning that it always has. The Examiner's kind attention is directed to the fact that over 3800 granted U.S. Patents contain the language "selected from the group consisting essentially of".

4. **Double patenting.**

Although the Applicant does not agree with the Examiner's assessment with respect to copending application number 11/009,700; U.S. Patent No. 6,716,260; and U.S. Patent No. 6,716,259; the Applicant is willing to consider a properly-worded terminal disclaimer with respect to these references when the terminal disclaimer is the sole remaining impediment to patentability.

5. **Rejection of Claims 48-50, 53-54, and 57 under 35 U.S.C. § 102(b).**

Claims 48-50, 53-54, and 57 were rejected under 35 U.S.C. § 102(b) as being anticipated by Remines (U.S. No. 3,377,147).

The Examiner merely quotes paragraphs from the description in Remines without specifically pointing out where each of the Applicant's claimed elements are present.

Independent claims. Each of the independent claims (Claims 48, 52, and 57) in the instant invention requires at least the following elements:

- (a) a plurality of waxed corrugated cardboard segments;
- (b) wherein at least a portion of said segments have faces that are compressed circumferentially in relation to a central longitudinal axis of the firelog; and
- (c) wherein at least a portion of said segments have faces that are positioned radially outward in relation to the central longitudinal axis of the firelog.

Remines does not teach, suggest, or provide motivation for "a plurality of corrugated cardboard segments". Remines teaches "a wax impregnated fibre sheet (12)" that is folded into the shape shown and described in the Remines patent. Remines uses only a single sheet of material, which is not equivalent to either "a plurality" or "cardboard segments".

Next, Remines does not teach, suggest, or provide motivation for "at least a portion of said segments have faces that are compressed circumferentially in relation to a central longitudinal axis of the firelog". No circumferential compression is disclosed in Remines. The sheet of material is merely folded into the configuration shown in Remines.

Finally, Remines does not teach, suggest, or provide motivation for "at least a portion of said segments have faces that are positioned radially outward in relation to a central longitudinal axis of the firelog". The phrase "a portion of said segments" has no meaning with respect to Remines, because Remines teaches no segments.

Claims 50, 53, and 57. Claims 50, 53, and 57 further require that "said segments are adhered together in an overlapping fashion". No such arrangement is taught or suggested by Remines. There are no segments in Remines, and there is nothing that could be "adhered together in an overlapping fashion".

Claims 49, 54, and 57. Claim 57 further requires that "said segments open or expand with heat when burned" and "corrugations in said segments channel oxygen throughout the segments".

First, there are no segments disclosed in Remines. Moreover, the corrugations in Remines are not compressed, so there is no manner in which they can "open or expand". Furthermore, the construction of the Remines invention is not such that oxygen can be "channeled" throughout. Referring to Figure 1 of Remines, air is channeled along the valleys on top of the device, not through the body of the device.

Thus, all of the claimed elements of the present invention are not taught by Remines, and Remines does not teach, suggest, or provide motivation for all of the claimed elements, which requires that the rejection under section § 103 be withdrawn.

6. Conclusion.

Based on the foregoing, Applicants respectfully request that the various grounds for rejection in the Office Action be reconsidered and withdrawn with respect to the presently amended form of the claims, and that a Notice of Allowance be issued for the present application to pass to issuance.

In the event any further matters remain at issue with respect to the present application, Applicants respectfully request that the Examiner please contact the undersigned below at the telephone number indicated in order to discuss such matter prior to the next action on the merits of this application.

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Respectfully submitted,



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